

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-17910-2020

Date of Decision: 24.07.2020

Jaswant @ Jassa

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. Rajbir Singh, Advocate for the petitioner.

Mr. Munish Sharma, AAG, Haryana.

RAMENDRA JAIN, J. (ORAL)

Case has been taken up for hearing through video conferencing due to pandemic Covid-19.

Through this petition under Section 439 Cr.P.C., petitioner- Jaswant @ Jassa, has prayed for grant of regular bail in case FIR No. 55 dated 27.03.2020 registered under Sections 16 and 18 of the NDPS Act at Police Station Garhi, District Jind.

According to prosecution, on 27.03.2020, on the basis of secret information police had raided the house of petitioner. On search, Opium plants with dodas were found planted in small field/bedding at his house. The same were cut and weight of plants with Dodas was found to be 48 kgs 690 grams.

Learned counsel *inter alia* contends that the petitioner has falsely been implicated in the instant case due to party friction in the

village. Petitioner is in custody since, 27.03.2020. Conclusion of trial may take long time. No useful purpose would be served by detaining the petitioner in custody.

On the other hand, learned State counsel vehemently opposed the submissions of learned counsel for the petitioner submitting that recovery of green plants weighing 48 kgs 690 grams is quite huge.

48 kgs 690 grams of green plants allegedly sown by the petitioner which were uprooted/cut by the police had not ripen. After drying the same, the weight of poppy straw plant would not be more than 5 kgs.

Considering overall facts and circumstances, but without expressing any opinion on the merits of case, the petition is allowed. Consequently, petitioner-Jaswant @ Jassa, is ordered to be released on bail pending trial, if, not required in any other case, on his furnishing adequate bail and surety bonds to the satisfaction of trial Court/Duty Magistrate, concerned.

July 24, 2020
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(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No